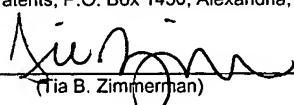


11-12-04

DAE  
IFW

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV336621543US, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 10, 2004 Signature:   
(Tia B. Zimmerman)

Docket No.: 282172002900  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Application No.: 10/773,792

Confirmation No.: 8458

Filed: February 6, 2004

Art Unit: 1616

For: LISTERIA ATTENUATED FOR ENTRY INTO  
NON-PHAGOCYTIC CELLS, VACCINES  
COMPRISING THE LISTERIA, AND  
METHODS OF USE THEREOF

Examiner: Not Yet Assigned

PETITION UNDER 37 C.F.R. § 1.182

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition for correction of the name of one of the inventors in the above-referenced application.

On July 14, 2004, Applicants filed a response to the Notice to File Missing Parts of Nonprovisional Application mailed May 14, 2004, for the above-referenced application.

Applicants' response included a fully-executed Declaration, but the middle initial of one of the inventors, David Cook, was inadvertently left off the Declaration. The full name of the inventor listed on the filed Declaration as "David Cook" is "David N. Cook." Applicants request that the name of inventor David Cook in the above-referenced application now be corrected to reflect his full name, David N. Cook.

11/15/2004 HALI11 00000007 031952 10773792

01 FC:1460 130.00 DA

pa-934263

The full names of the remaining inventors in the above-referenced application were correctly identified on the Declaration as filed. The correct full names of all of the inventors in the above-referenced application are provided in the Supplemental Application Data Sheet enclosed herewith.

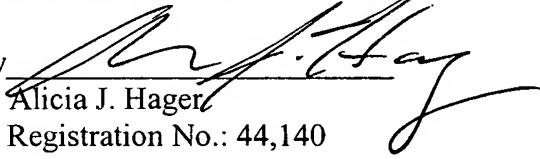
Applicants additionally request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

As indicated on the fee transmittal letter enclosed herewith, Applicants authorize the Commissioner to charge the petition fee of \$130.00 as set forth in 37 C.F.R. §1.17(h). In the event that the fee transmittal letter is separated from this document and/or the U.S. Patent and Trademark Office determines that additional fees are required, Applicants authorize the Commissioner to charge any fees under 37 C.F.R. §1.17 due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 282172002900.

Dated: November 10, 2004

Respectfully submitted,

By

  
Alicia J. Hager  
Registration No.: 44,140

MORRISON & FOERSTER LLP  
755 Page Mill Road  
Palo Alto, California 94304  
(650) 813-4296



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 130.00)

## Complete if Known

Application Number	10/773,792
Filing Date	February 6, 2004
First Named Inventor	Thomas W. DUBENSKY, Jr.
Examiner Name	Not Yet Assigned
Art Unit	1616
Attorney Docket No.	282172002900

## METHOD OF PAYMENT (check all that apply)

 Check  Credit Card  Money Order  Other  None

 Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison &amp; Foerster LLP

The Director is authorized to: (check all that apply)

 Charge fee(s) indicated below  Credit any overpayments

 Charge any additional fee(s) or any underpayment of fee(s)

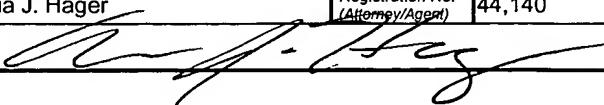
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)		0.00	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE			
Extra Claims	Fee from below	Fee Paid	
Total Claims 60	-60** = 0 x 9.00 = 0.00		
Independent Claims 7	-7* = 0 x 44.00 = 0.00		
Multiple Dependent	150.00 = 0.00		
Large Entity Small Entity			
Fee Code (\$)	Fee Code (\$)	Fee Description	
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2) (\$)		0.00	
*Reduced by Basic Filing Fee Paid			
		SUBTOTAL (3) (\$)	130.00

\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		(Complete if applicable)		
Name (Print/Type)	Alicia J. Hager	Registration No. (Attorney/Agent)	44,140	Telephone (650) 813-4296
Signature		Date	November 10, 2004	